

As-shūrah-wal-al-bay'ah: Solution to Electoral Problems in Nigeria

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Abstract

Elections to various political positions in Nigeria have always been characterized by electoral fraud which often results in violence and court cases. Election of leaders is also greeted by colossal loss of time, resources and precious human lives. This often negatively affects the economy of many Nigerians and has always threatened the political stability of the country. In Islamic history, appointment of leaders has been carried out through ash-shūrah-wal-bay'ah system. The system assisted the early Islamic governments to stabilize and to achieve their laudable goals. By adopting a historical and descriptive methods, this paper posited that the challenges of electoral fraud and violence and the threat they pose on the economic and political stability of the country especially as experienced during the 2015 and the just concluded 2019 general elections in Nigeria, may be overcome if appointment of leaders follows ash-shūrah-wal-bay'ah system. The research came up with suggestions on how the system can be implemented in Nigeria if adopted.

Keywords: Ash-shūrah-wal-al-bay'ah; Solution; Elections; Violence; Peace.

Introduction

In etymological perspective, *shūrah* is an Arabic word taken from another Arabic root-word “*shawrah*” meaning “dialogue”, “discussion” or “consultation”¹ Technically however, *as-shūrah* refers to the consultative forum under an Islamic government through which appointment to leadership position is done. It is described by Walker² “as a method by which consensus can be achieved thus preventing ideological deadlocks which ultimately lead toward sin and disunity”. This was in line with the description in the Qur’an of those who sincerely believe in Allah as, among other things, those “who (conduct) their affairs by mutual consultation”.³ The word *shūrah* as mentioned in the holy Qur’an (e.g. Q42:39), can be described as a method through which believers take decisions based on mutual consensus. Moreover, a whole chapter of the Qur’an (chapter 42) is titled *Sūratul-ash-Shūrah* (i.e. chapter of consultation). This shows how important *shūrah* is as an Islamic principle. As posited by Mohiuddin and Muzahidul Islam, *Ash-shūrah* “signifies the acknowledgement of the will of the people and challenges the ability and integrity of the administrator or manager and his wiliness to accommodate divergent views”⁴ and as pointed out by Charas et al,⁵ *Ash-shūrah* was the method used in the appointment of the four rightly guided successors of Prophet Muhammad - Abubakri, Umar, Uthman, and Ali, who led the Muslim *Ummah* (community) around the middle of the 7th century.

Islam abhors autocracy. Hence, it includes in the *Sharī'ah* the principle of *ash-Shūrah* which requires the leaders to seek advice from people in administering the affairs of the State.⁶ This means that before any policy of national interest is made, the principle of *ash-Shūrah* demands that public opinion should be sought, and that the most popular opinion should be respected. This will not only enable the leaders to have a comprehensive idea of the implications of such policy but will also enlist the support of all and sundry to ensure its success in the overall interest of the nation.⁷ Eminent Islamic scholars and writers on Islamic Social Policy such as Tariq Ramadan and Mohammad Asad express their opinions on the institution of *ash-shūrah*. It was described by Ramadan as “the

¹ William, Lane Edward. *Arabic – English Lexicon*. n.p.: Williams and Norgate, 1863, p1617.

² Adam Hani Walker, UK *Shurah Mutual Consultation* p2. <https://www.alislam.org/topics/khilafat/Shura>. Web. 8 February, 2019.

³ Qur’an 42:36-38

⁴ Prof. Dr. Md Golam Mohiuddin and Mohammad Muzahidul Islam “Decision Making Style in Islam: A Study of Superiority of Shura (Participative Management) and Example from Early Era of Islam” *European Journal of Business and Management* Vol.8, No.4, 2016. P80.

⁵ Charas M. Tella, Ahmed Hammawa Song, and Paul, Y. Mbaya “Islamic Political Order as a Model of Politics and Governance for Sustainable Development” *Global Journal of Arts Humanities and Social Sciences* Vol.2, No.2, 2014. P63.

⁶ Qur’an 3:159

⁷ Rahim, A. *Islamic History* Lagos: Islamic Publications Bureau, 1987, p8.

space which allows Islam the management of pluralism”,⁸ while Muhammad sees it as something that takes care of the “continuous temporal legislation of our social existence”.⁹ Another scholar explains *ash-shūrāh* as meaning “to poll the opinion of the nation or its representatives over its issues”.¹⁰ Hence, it can be said to be “one of the most important manifestations of civilization that Muslims contributed to its creation and consolidation in the Muslim community”.¹¹

Al-bay‘ah, on the other hand, literally means “to sell” and “*al-bay‘ah*” meaning “The making of a covenant, a compact, an engagement”,¹² “to acknowledge as sovereign or leader”, “pledge allegiance”¹³, and technically it is an oath of allegiance taken by members of the Muslim community under an Islamic government to declare their unflinching supports for their leaders. Taking *bay‘ah* is to pledge spiritual allegiance and to surrender oneself to the supervision of a leader.¹⁴ It is a reciprocal obligation and a complimentary effort for the success of the system of governance. During the period of Prophet Muhammad as the head of the Muslim community in Madina and those of his successors, the making of *bay‘ah* was given prominent attention. According to Tahzeeb¹⁵ during the leadership periods of the Prophet and his Khalīfahs, the “process of *baya‘ah* or the pledging of allegiance was an important institution that sought to formalize the consent of the government.” Imām al-Ghazālī submits that it was so important that the Prophet would take the *bay‘ah* of new Muslims even if their number was few.¹⁶ The Prophet was reported to have said in one of his sayings that: “*Whoever dies and did not take a bay‘ah (an oath of allegiance to a Muslim leader) has died a death of jāhiliyah (ignorance).*”¹⁷

There are references in the Qur’ān concerning the *bay‘ah* which the Prophet took from people. A passage reads:

Certainly Allah was well pleased with the believers when they swore allegiance to you under the tree, and He knew what was in their hearts, so He sent down tranquility on them and rewarded them with a near victory.¹⁸

In another passage, the Prophet was addressed concerning the intention of some women in Makkah to give him the *bay‘ah*. The passage reads thus:

O Prophet! When believing women come to thee to take the oath of fealty to thee, that they will not associate in worship any other thing whatever with Allāh, that they will not steal, that they will not commit adultery (or fornication), that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and that they will not disobey thee in any just matter,- then do thou receive their fealty, and pray to Allah for the forgiveness (of their sins): for Allāh is Oft-Forgiving, Most Merciful.¹⁹

In Islamic history, the successes recorded during the periods of the four Khalīfahs (successors) earlier mentioned have been hinged on the satisfactory way they emerged as leaders which premised the unalloyed support they enjoyed from their subjects (via the allegiance). At the demise of the Prophet in 632 C.E., some eminent companions

⁸ Tariq, Ramadan. *Islam, the West and the Challenges of Modernity*. n.p.: The Islamic Foundation, 2001, p81.

⁹ Muhammad, Asad. *The Principles of State and Government in Islam*. n.p.: Islamic Book Trust. 2001, p43.

¹⁰ Abd-al-Salam, Ja’far. *Nizām Al-Dawlah fī Al-Islam wa ‘Alāqatuhā bi Al-Duwal Al-Ukhrā* Cairo: Rābitat al-Jāmi‘āt al-Islāmiyyat, 2014, p99.

¹¹ Elsergany, Ragheb. 2010. “Shura in Islam... its concept and importance” <http://islamstory.com/en/node/> Web. 29 Oct. 2015.

¹² William, Lane Edward. *Arabic – English Lexicon* ...P284

¹³ Wehr, H. *A Dictionary of Modern Written Arabic* Cowan J.M. (ed). London: Macdonald & Evans Ltd. 1974, p86.

¹⁴ Kas, M. I. “Bayah & The importance of a Spiritual Guide/Murshid” *Islamic Information Portal* 17 May, 2013. <http://islam.ru/en/content/story/bayah-importance-spiritual-guidemurshid> Web. 4 Feb. 2019.

¹⁵ Sana Tahzeeb “A Comparative Study of Islam and Modern Democratic Ideals” *Journal of Islamic Studies and Culture* Vol. 2, No. 1, March 2014, p50. (Published by American Research Institute for Policy Development)

¹⁶ Imam al-Ghazali, Trans. Usmani A. H. *Mufti, “Muslim Character”*. n.p.: Kazi Publications, 2004, p37..

¹⁷ [Bukhari, Muslim]

¹⁸ Qur’an 48:18

¹⁹ Qur’an 60:12

held emergency meetings to appoint his successor. After much deliberation, they arrived at appointing Abūbakri, having considered his ability to govern and his capability to direct the affairs of the *Ummah* in line with the foundation laid by the Prophet.²⁰ His appointment was immediately followed by the following thought-provoking speech that justified his suitability to lead:

O People, I have indeed been appointed over you, though I am not the best among you. If I do well then help me; and if I act wrongly then correct me. Truthfulness is synonymous with fulfilling the truth, and lying is tantamount to treachery. The weak among you is deemed strong by me, and until I return to them what is rightfully theirs, Allah Willing. And the strong among you is deemed weak by me, until I rightfully take from them what is rightfully someone else's, Allah Willing. No group of people abandons Jihad in the way of Allah, except that Allah makes them suffer humiliation. And wickedness does not become widespread among a people, except that Allah inflicts them with widespread calamity. Obey me so long as I obey Allah and His Messenger. And if I disobey Allah and His Messenger, then I have no right to your obedience. Stand up now and pray, may Allah have mercy on you.²¹

Subsequent upon delivering this speech, the entire members of the Muslim *Ummah* approached the new leader and bore oath of allegiance (*bay'ah*) to support him. This same method was adopted in appointing each of the other three Khalīfahs at the death of his predecessor. Particular mention needs to be made of the emergence of Khalīfah Uthmān ibn Affān as the successor to Khalīfah Umar ibn Khattāb who died in 644 C.E. At his sick bed, Umar constituted a *shūrāh* of six eminent companions of the Prophet namely Uthmān ibn Affān, Ali ibn Abī Tālib, Abdu-Rahman ibn 'Awf, Sa'd ibn Abī Waqqās, Zubayr ibn Awwām, and Talha ibn Ubaydullah amongst whom his successor should emerge. Within three days, new Khalīfah emerged in the person of Uthmān and it was Ali ibn Abī Tālib who happened to be his top rival in the contest that was the first to pay homage to him. In this way, many unbecoming incidences such as violence, character assassinations, defamations, money squandering, bribing, time wastage, and unholy politicking, which always characterize appointment of leaders in different parts of the world, were averted. It can be noted that it was when people deviated from this method of appointment that the Muslim *Ummah* started to witness unprecedented crisis accompanying appointment of leaders.

The *Shūrāh* and Democracy

Having discussed what *ash-shūrāh* is all about, it may be necessary to compare it with democracy which is a form of government that is being celebrated in many parts of the world at present. Scholars have explained democracy to simply mean government of the people by the people and for the people.²² That is, a government which gives the people of a State the opportunity of participating in the constitution and running of government via representation. The word 'democracy' is said to have been formed by the combination of two Greek words 'demos' meaning "the people", and 'kratia' meaning "rule" and was used to refer to a form of democratic government in the 6th century B.C.²³ *Ash-Shūrāh*, as stipulated in Islam, is different from democracy in the sense that legislation under democracy is exclusively by the people, whereas, under *ash-shūrāh* Islamic system, the constitution is drawn from the Qur'an and the *Sunnah* (i.e. the way of life of the Prophet). However, it may be erroneous to believe that the principle of *ash-shūrāh* is applicable only to Muslims or Islamic government. Rather it is a principle that could be adopted in any civilization. The Qur'an instruction to the Prophet Muhammad to consult even with those who transgressed

²⁰ Rahim, A. *Islamic History*...p54.

²¹ Walker, A. "Pledge of Allegiance (*Bay'ah*)" <<https://www.alislam.org/topics/khilafat/Pledge-of-Allegiance>> Web. 30 Oct. 2015.

²² Osman, Fathi. "Islam in a Modern State: Democracy and the concept of Shura"

http://www.usc.edu/schools/college/crcc/private/cmje/issues/more_issues/Islam_in_a_Modern_State_Democracy_and_Shura. Web. 29 Oct. 2015.

²³ *ibid*

against him²⁴ alludes to the fact that consultation is necessary on issues that affect the generality of people in any community. After all, his message was for the whole of mankind.²⁵

Democratic Governance and the Nigeria Experience

Nigeria practices the Presidential form of democratic governance. It is a system in which there is a President who heads the executive arm of the federal government and the governors as heads of each of the federated States. The federal parliament consists of two legislative arms – The Senate and the House of Representatives while at the State level is the State Assembly that makes laws for the State. The Chairmen and the Councilors occupy the executive and the legislative positions respectively at the Local government administration level. All the aforementioned are elective offices into which interested candidates vie to occupy, and in most cases, at all costs. The third arm of government under democratic governance is the judiciary whose responsibility is to interpret the law of and to ensure that there is justice in the land. Elections during each of the four republics so far witnessed in Nigeria have been characterized with series of political crises following attempts at choosing leaders whether at the federal, state or local government levels. Apart from the huge amount of money expended to conduct elections, the pre- and post-election violence and legal tussles after each election, also constitute threats to smooth-running of government. For example, a state governor whose election is being challenged in the election tribunal will not have total concentration to governance especially at any time his case comes up either at the election tribunal or in other courts. If such governor eventually becomes victorious at the tribunal, the judgment may again be taken to the appellate court which may linger for a half or three quarters of the tenure of the one whose victory is being challenged and this may have negative effects on the smooth-running of the person's office. Elections in Nigeria are characterized by rigging and ballot snatching. To prevent this, the Independent National Electoral Commission (INEC) introduced the use of electronic card-readers and permanent voter-cards during the 2015 national elections. Despite all this, cases of ballot snatching and election rigging were still reported. What is trending now is vote buying which is another dimension to electoral fraud. Without doubt, these are undemocratic attitudes that dent the reputations of the country. This is what the principle of *as-shūrāh-wal-bay'ah* stands to checkmate if given a chance.

The Practicability of *As-shūrāh-wal-bay'ah* System in the Nigerian Politics

For *as-shūrāh-wal-bay'ah* to be effectively practiced in Nigeria, it requires five steps to be taken. Firstly, there is the need for a new constitution or amendment of the existing one which will allow political office holders to see political office as a trust which must be jealously protected rather than seeing it as opportunity to become famous or wealthy. A constitution is the guiding principle that spells out what is to be done and the *modus operandi*. It also dictates the rules and regulations on what to be done or what not to be done and the punishment to be meted out to violators of the rules. Under the Islamic government, the Qur'ān and the *Sunnah* of the Prophet served as sources of the constitution. Both the leaders and the led saw the constitution as sacred and worked along with it as such. Considering Nigeria being a multi-religious nation however, the working tool would be the newly drafted or the amended constitution as approved by the constituted authority. Implementation of *as-shūrāh-wal-bay'ah* requires an all-encompassing and unbiased constitution that must be respected by all. Therefore, all citizens must be ready to uphold the constitution and the law must apply to all and sundry without discrimination. Secondly, the *shūrāh* committee has to be constituted. This may be done through State representation. Each of the States in the country may be represented at the committee by three credible and politically experienced members. Such representatives must possess such qualities as justice, knowledge, opinion and wisdom. The Senate and the State Assemblies in Nigeria may serve this purpose provided members are those who possess the required qualities as stated above and not money-bags politicians who maneuver their ways to get there. The third step is for political parties to present to the *shūrāh* committees their candidates to the positions to be filled. It is the duty of the committee to screen the candidates based on the criteria set down for the exercise and pick the best suitable for the position. This is followed by the fourth step which is the *bay'ah* or the oath of allegiance. As earlier mentioned, *bay'ah* is the responsibility of the people of the community through which they declare their support for the new leadership. This may be carried

²⁴ Qur'an 3:159

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out in form of a referendum which will allow the people to accept or reject the leadership. The acceptance or rejection is determined by majority decision.

The screening exercise conducted on the ministerial nominees of President Muhammadu Buhari by the Senate arm of Nigerian legislature, is a good example of how the *shūrāh* system works. Many Nigerians followed the screening process with keen interest. The nominees were examined on their experience and their vision for the positions for which they were being considered. If this exercise is taken by majority of Nigerians to have been satisfactorily done, then the outcome will be acceptable to the people if a referendum (*bay'ah*) on it would have to be carried out.

Benefits of *ash-shūrāh-wal-bay'ah* system

Following are some benefits accruable from adopting *ash-shūrāh-wal-bay'ah* system for choosing leaders:

- i. **Cost Effectiveness:** In any democratic system, conduct of election is very expensive. Huge amount of money is always budgeted for voter registration, staff hiring and training, production of voting materials, payment of staff salaries, security, and other logistics. For instance during the 2015 general elections in Nigeria, the then Chairman of the Independence National Electoral Commission, Prof Attahiru Jega, said that the body would require N92.9 billion to conduct the elections.²⁶ And for the 2019 general elections, a whopping sum of over N189 billion was approved.²⁷ In some instances, expensive elections are annulled not minding how much was committed to such exercises. On the part of the contesting political parties and candidates, much money is spent to on campaigns and to 'bribe' the electorates to vote them in. This is a sheer wastage and depletion of resources. It also encourages embezzlement and fraud because such leaders may be tempted to steal public fund while in office. On the contrary, less money is required to get acceptable leaders appointed under *ash-shūrāh-wal-bay'ah* system.
- ii. **Time Wastage:** For a third-world country like Nigeria for instance, it takes at least six months of rigorous preparation for any meaningful election to be conducted. At times election dates are shifted to give room for adequate preparations. During the electioneering process, time is allotted to the conduct of primary elections by each contesting political party. The extent of the time for such elections depends on the number of political parties involved. More still, the time devoted for voter registration, verification and accreditation exercises, campaign activities, voting proper, collation and declaration of results, at times, amount to wastage. Much time and resources are also 'wasted' on post-election judicial tussles. Such times could bring colossal improvement to the economy if utilized on other more profitable efforts. Appointment through *ash-shūrāh-wal-bay'ah* does not take longer than necessary time. This is evident in the prompt appointment of successors to demised traditional rulers in places like Northern Nigeria and other societies where the influence of Islam is largely felt.
- iii. **Political Restiveness:** Trading of words, character assassination, physical attacks, violent demonstrations, destruction of lives and properties, killing and kidnapping of political opponents, ballot snatching, disruption of political campaigns and rallies, are some of the events that characterize the electioneering activities especially in the developing world. All of these happen only because leaders are to be chosen. In its May 16, 2011 report, the Human Right Watch confirmed that the post-2011 general elections violence in Nigeria claimed up to eight hundred (800) lives.²⁸ In 2014's preparation for the 2015 general elections, the Akwa-Ibom State Commissioner of Police cautioned against imminent political violence. He lamented that "since independence, elections in the country were widely flawed due to violence and associated loss of lives and property".²⁹ *Ash-shūrāh-wal-bay'ah* system does not give room for desperation. It allows leaders to see appointment as a trust which must be kept sacred rather than being a do or die matter.

²⁶ Oyeyipo, Shola "Nigeria: Costing the 2015 Elections" THISDAY 7 Jan., 2014 <http://allafrica.com/stories/201401071370.html> Web. 29 Oct. 2015

²⁷ Henry Umoru "2019: Senate approves N189bn budget for INEC" VANGUARD Oct. 11, 2018. <https://www.vanguardngr.com/2018/10/2019-senate-approves-n189bn-budget-for-inec/> Web. 4 Feb. 2019.

²⁸ Human Right Watch "Nigeria: Post-Election Violence killed 800" New York: Human Right Watch, May 16, 2011 <https://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800> Web. 4 Feb. 2019.

²⁹ Moses, Tom "Nigeria: Violence in 2015 Elections Inevitable" VANGUARD 22 November, 2014 <http://allafrica.com/stories/201411230075.html> Web. 29 Jan. 2016

iv. **Serious Task:** Appointment through *Ash-shūrah-wal-bay'ah* does not allow desperate contest and wasteful spending of resources. Anyone that emerges the leader sees himself or herself as one among equals and as a result prepares for the business of leadership without much thinking on how to recoup what had been expended to secure the leadership position.

v. **Leadership Confidence:** As earlier explained, *Al-bay'ah* is the twin partner of *Ash-shūrah*. When a leader emerges, it is the responsibility of the citizens of his or her community to declare their allegiance to the leader. This creates a sense of belonging in them and a claim of ownership of such leadership. The running of the government is thus considered a participatory assignment by both the leaders and the led. *Al-bay'ah* is a commitment on the part of the citizens that leaders would be obeyed and respected and that they (the citizens) would join hands with the leaders to achieve success in their collective goals.

Conclusions

Islam as a complete way of life has addressed itself to all challenges in human life. It provides alternatives to what seems to be difficult in social, economic, political, and spiritual endeavours of man. One of its provisions is the principle of *ash-shūrāh-wal-bay'ah* which can serve as a measure to checkmate the problems of wastage and violence which always feature especially under the democratic system. The merits of *ash-shūrāh-wal-bay'ah* system of appointing leaders have been discussed in this write-up and it is the opinion of the writer that if the system is given a chance in Nigeria, it will assist the country to attain egalitarianism which she is yearning for. It is to be noted that though *ash-shūrāh-wal-bay'ah* system was practiced under Islamic government in the time past, the system is not in any way intended to Islamize the society. Its recommendation for adoption especially in Nigeria is to simplify the system of electing leaders and to prevent rancorous situations that always characterize such elections.

Recommendations

Considering the benefits of *ash-shūrāh-wal-bay'ah* as a system of appointing political leadership as discussed above, and considering the huge amount of money and properties being committed into organizing elections in Nigeria in addition to heavy loss in terms of life, property and time being wasted over election-related litigations, it is in the opinion of this researcher that the system of *ash-shūrah-wal-bay'ah* should be given a trial. Although, the terms *ash-shūrāh-wal-bay'ah* are Arabic terms, they do not necessarily mean to Islamize. While the general principles of the system could be adopted, the terms (*ash-shūrāh-wal-bay'ah*) may be substituted with any other generally acceptable terminologies to allay the fear of Islamization.

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